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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,029	07/25/2001	Uwe Kolberg	608.0010USU	9397

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EXAMINER

COLAIANNI, MICHAEL

ART UNIT	PAPER NUMBER
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1731

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DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/830,029

Applicant(s)

Kolberg et al.

Examiner

Michael Colaianne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 25, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1, 3 6) ☐ Other:

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mateika et al. 4687646.

Mateika et al. teaches a device for melting/refining glass which is essentially arranged horizontally (Fig. 1, the device is placed on a flat horizontal surface); has an inlet and outlet for the glass melt (Fig. 1, ref. no. 41, 5, and col. 4, lines 2-10, the opening at the top of the crucible serves at the opening and the bottom of the crucible serves as the outlet); the channel is constructed by having a plurality of metal pipes connected to a cooling medium (Fig. 1, ref. no. 5, col. 2, lines 56-68) and an HF coil being assigned to the channel for input of HF energy to the melt (col. 3, lines 40-51).

Mateika et al. also teaches that the pipes and HF coil is are at an angle to one another (Fig. 1, ref. no. 5 and 3, the HF coil and the pipes are a right angle to one another).

Mateika et al. also teaches that the pipes are arranged in the direction of flow of the melt (Fig. 1, ref. no. 41, 5, the glass inherently flows counter clockwise in the crucible due to the

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colder walls and hotter middle portion, thus the glass moves in the same direction as the pipes are arranged. Also, the glass is removed from the bottom of the crucible but introduced through the open top, so the glass moves in the same direction as the pipes are arranged).

Matieka et al. also teaches the pipes are shunted to one another and arranged in a U-shape to form the cage-like crucible (Fig. 1, ref. no.5, 17, "Distribution Ring", the "Distribution Ring" serves as the shunt and the pipes 5, 17 are in the form of a square U-shape).

Matieka et al. also teaches the pipes are joined together for the purpose of forming a shunt (Fig. 1, ref. no. 5 and "Distribution Ring").

3. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wenckus et al. 4049384.

Wenckus et al. teaches a device for melting/refining glass which is essentially arranged horizontally (Fig. 2, the device is placed on a flat horizontal surface); has an inlet and outlet for the glass melt (Fig. 2, ref. no. 10, the opening at the top of the crucible serves as both the opening of the crucible and as the outlet); the channel is constructed by having a plurality of metal pipes connected to a cooling medium (Fig. 1 ref. no. 12) and an HF coil being assigned to the channel for input of HF energy to the melt (col. 5, lines 45-50, Fig. 5, ref. no. 81).

Wenckus et al. also teaches that the pipes and HF coil is at an angle to one another (Fig. 2, ref. no. 81 and 12, the HF coil and the pipes are a right angle to one another).

Wenckus et al. also teaches that the pipes are arranged in the direction of flow of the melt (Fig. 2, ref. no. 12, 81, the glass inherently flows counter clockwise in the crucible due to the

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colder walls and hotter middle portion, thus the glass moves in the same direction as the pipes are arranged. Also, the glass is removed from the top of the crucible, so the glass moves in the same direction as the pipes are arranged).

Wenckus et al. also teaches the pipes are shunted to one another and arranged in a U-shape to form the cage-like crucible (Fig. 1, ref. no. 12, 14, the distribution bustle 14 serves as the shunt and the pipes 12 are in the form of a square U-shape).

Wenckus et al. also teaches the pipes are joined together for the purpose of forming a shunt (Fig. 1, ref. no. 12 and 14).

4. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sobelev et al. FR 2768257.

Sobelev et al. teaches a device for melting/refining glass which is essentially arranged horizontally (Fig. 5, the device is placed on a flat horizontal surface); has an inlet and outlet for the glass melt (Fig. 5, ref. no. 30, 2, the opening at the top of the crucible serves as the opening of the crucible and the tube 2 serves as the outlet); the channel is constructed by having a plurality of metal pipes connected to a cooling medium (Fig. 5, ref. no. 21) and an HF coil being assigned to the channel for input of HF energy to the melt ( Fig. 5, ref. no. 35).

Sobelev et al. also teaches that the pipes and HF coil is are at an angle to one another (Fig. 5, ref. no. 21 and 35, the HF coil and the pipes are a right angle to one another).

Sobelev et al. also teaches that the pipes are arranged in the direction of flow of the melt (Fig. 5, ref. no. 21, 2, 30, the glass inherently flows counter clockwise in the crucible due to the

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colder walls and hotter middle portion, thus the glass moves in the same direction as the pipes are arranged. Also, the glass is removed from the bottom of the crucible, so the glass moves in the same direction as the pipes are arranged).

Sobelev et al. also teaches the pipes are shunted to one another and arranged in a U-shape to form the cage-like crucible (Fig. 5, ref. no. 21, 25, the distribution ring 25 serves as the shunt and the pipes 21 are in the form of a square U-shape).

Sobelev et al. also teaches the pipes are joined together for the purpose of forming a shunt (Fig. 5, ref. no. 21 and 25).

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

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March 19, 2003



**MICHAEL COLAIANNI  
PRIMARY EXAMINER**